IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3573 OF 2006
IN
APPEAL NO. 541 OF 2006
IN
SUMMONS FOR JUDGMENT NO. 128 OF 2005
IN
SUMMARY SUIT NO. 484 OF 2004

1. M/s. Ami Exports & Anr.] .. Appellants (Ori.Respondents)

Versus

Shri Silvai Anthony] .. Respondent (Ori.Plaintiff)

Ms. Zorstin Sidhwa with Ms. Jesal Shah i/b Daru Shah & Co. for the appellants.

Mr. J.S. Kini for the respondent.

CORAM: R.M. LODHA, &
S.A. BOBDE, JJ.

DATED: 23RD NOVEMBER, 2006

P.C. :

. For the reasons stated in the Affidavit in support of the Notice of Motion, we are satisfied that the appellant's Advocate could not appear when the Appeal was called out for hearing.

2. We, accordingly, recall the order dated 5th September, 2006, dismissing the Appeal in default and restore the Appeal to file.

3. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]